

Exhibit “B”

Netanel Newberger

From: Matthew Feinman <mfeinman@scohnlaw.com>
Sent: Wednesday, April 24, 2024 5:48 PM
To: Michael Mule; Matin Emouna; Steve Cohn
Cc: Netanel Newberger; Kyle Monaghan
Subject: Re: AutoExpo Ent. Inc. et al v. Elyahou et al; Rule 26(f) Conference; Draft Discovery Worksheet

Michael,

We object to the filing of any document with Magistrate Judge Tiscione at this time.

As we discussed on the phone last Thursday, it seems that we have a threshold disagreement as to procedure. Your position is that Judge Tiscione has jurisdiction simply because he was assigned. We stated repeatedly that we completely disagree that the assignment of Judge Tiscione confers jurisdiction in the absence of any consent or referral order from Judge Merchant.

We furthermore disagree that the phone call last week constituted a Rule 26f conference. Though that was the stated intent, your contention that Judge Tiscione has jurisdiction at this time prevented us from discussing what is required in a Rule 26(f) Conference. You nevertheless continue to insist that Judge Tiscione has jurisdiction over discovery in this action at this point in time.

Based on the occurrences so far, during and after the pre-motion conference, we intend to make a motion to stay discovery pending the determination of our motion to dismiss if you do not consent to staying discovery.

Please let us know if you consent. Otherwise we will request a pre-motion conference with Judge Merchant to stay discovery.

Thanks,
Matt

Matthew Feinman, Esq.
Law Office of Steven Cohn, P.C.
One Old Country Road, Suite 420
Carle Place, New York 11514
(516) 294-6410
mfeinman@scohnlaw.com

From: Michael Mule <MichaelMule@mlaborlaw.com>
Sent: Thursday, April 18, 2024 7:03 PM
To: Matthew Feinman <mfeinman@scohnlaw.com>; Matin Emouna <memouna@emiklaw.com>
Cc: Michael Mule <MichaelMule@mlaborlaw.com>; Netanel Newberger <netanel@mmmlaborlaw.com>; Kyle Monaghan <Kyle@mlaborlaw.com>
Subject: AutoExpo Ent. Inc. et al v. Elyahou et al; Rule 26(f) Conference; Draft Discovery Worksheet

Matt and Matin,

Thank you for participating in the Fed. R. Civ. P. 26(f) conference today. Under Fed. R. Civ. P. 16(b), the Court must issue a scheduling order after receiving the parties Rule 26(f) report. Also, a scheduling order must be issued within 90 days

after any defendant has been served. All defendants were served on February 7, 2024. So, we are coming up to the 90-day deadline as set forth under the Rules. Therefore, as we discussed earlier today, attached is our draft discovery plan worksheet containing the dates we propose.

With respect to the reciprocal/agreed upon discovery occurring in the first 60 days (Phase I in the worksheet), we believe the following would assist our client in meaningfully evaluating the case for a settlement conference, and are, thus, the items we are requesting be completed within the initial 60-day period:

- Via sworn interrogatory answers, identification of:
 - All banks and accounts (*i.e.*, identification of multiple accounts at a single bank) used by each of the defendants SimpSocial LLC ("SimpSocial") and its subsidiaries or affiliates, Fifty-Seven Consulting LLC d/b/a Certified Performance Motors ("Certified") and its subsidiaries or affiliates, and Omid Elyahou ("Elyahou");
 - Company(ies) and person(s) who designed Certified's inventory system or were consulted regarding Certified's inventory system, and all communications with those company(ies) and person(s);
 - Certified employees, and independent contractors performing sales and/or finance department functions for Certified, from Certified's formation, with start and end dates; and
 - All email account addresses and cell phone numbers used by Elyahou, Eitan and Fazeeda Kassim ("Kassim").
- Documents:
 - Bank records showing all transactions from Jan. 2020 to present (via Plaintiff AutoExpo Ent. Inc. ("AutoExpo")'s third-party subpoenas to each bank);
 - All transactions between Elyahou, Eitan, their related entities (including but not limited to SimpSocial and Certified);
 - All emails and text messages between Elyahou, Eitan and Kassim from Jan. 2020 to present discussing the following topics:
 - Certified business strategy or ownership
 - AutoExpo
 - AutoExpo's employees or vendors
 - Dealer agreements with banks
 - Corporate records, including state filings, operating agreements, unit certificates, transfer ledgers for Certified and SimpSocial.

We propose filing the worksheet with Magistrate Judge Steven Tiscione no later than April 25, 2024, and requesting an initial conference for purposes of issuing a scheduling order. To that end, please send us your feedback and counterproposals by Monday (Tuesday, April 23, 2024) so we have time to further confer ahead of April 25.

As noted on the call, the requested information and documents in Phase 1 is for the purpose of advancing a potential settlement conference, if any, and therefore those requests are significantly narrower than the scope of discovery in this action, and are made without any waiver and full reservation of rights to pursue all relevant discovery in this action.

Thank you all and talk soon.

Sincerely,

Michael C. Mulè, Esq.
Partner
Milman Labuda Law Group, PLLC
3000 Marcus Avenue, Ste. 3W8
Lake Success, NY 11042
michaelmule@mllaborlaw.com
516 303-1442 office

516 328-0082 fax

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